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General Assembly

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Fifty-fifth session

Third Committee

Agenda item 114 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Recalling also its resolutions 47/136 of 18 December 1992, 51/92 of 12 December 1996 and 53/147 of 9 December 1998, as well as Commission on Human Rights resolution 1992/72 of 5 March 1992[3] and taking note of Commission resolutions 1998/68 of 21 April 1998[4] and 2000/31 of 20 April 2000,[5]

Recalling further Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[4] Ibid., *1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[5] Ibid., *2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

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Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Recognizing the contribution of the establishment of the International Criminal Court with regard to ensuring effective prosecution concerning executions in serious violation of article 3 common to the four Geneva Conventions of 12 August 1949,[6] without previous judgement pronounced by a regularly constituted court affording all judicial guarantees that are generally recognized as indispensable,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Notes* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

3. *Acknowledges* the historic significance of the adoption of the Rome Statute of the International Criminal Court,[7] and the fact that a significant number of States have already signed and/or ratified the Statute, and calls upon all States to consider signing and ratifying the Statute;

4. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

5. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions,[8] including the attention given therein to various aspects and situations involving violations of the right to life by extrajudicial, summary or arbitrary executions;

6. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation to the victims or their families and to adopt all necessary measures, including legal and judicial measures in order to bring an end to impunity, to prevent the recurrence of such executions;

7. *Calls upon* Governments concerned to investigate promptly and thoroughly cases in various parts of the world of killings committed in the name of passion or in the name of honour, persons killed for reasons related to their peaceful

[6] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[7] A/CONF.183/9.
[8] A/55/288.

activities as human rights defenders or as journalists and other persons whose right to life has been violated in an extrajudicial, summary or arbitrary manner as illustrated by the Special Rapporteur, and to bring those responsible to justice before an independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

8. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflict, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

9. *Stresses* the importance for States to take effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions through the adoption of preventive measures, and calls upon Governments to ensure that post-conflict peace-building efforts include such measures;

10. *Encourages* the Special Rapporteur to continue, within the framework of her mandate, to collect information from all concerned and to seek the views and comments of Governments so as to be able to respond effectively to reliable information that comes before her and to follow up communications and country visits;

11. *Reaffirms* Economic and Social Council decision 1998/265 of 30 July 1998, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 1998/68, to extend the mandate of the Special Rapporteur for three years and recommends that the Commission at its fifty-seventh session continue her mandate;

12. *Takes note with appreciation* of the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions;

13. *Notes* that the Commission, in its resolution 2000/31, requested the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights,[2] as well as the Second Optional Protocol thereto;[9]

(g) To apply a gender perspective in her work;

14. *Strongly urges* all Governments, in particular those that have not yet done so, to respond without undue delay to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

15. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

16. *Encourages* Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. *Urges* the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to her or where early action might prevent further deterioration;

18. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

19. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 and 1989/64;

20. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

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[9] Resolution 44/128, annex.

21. *Requests* the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources to enable her to carry out her mandate effectively, including through country visits;

22. *Also requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

23. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-seventh session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon.

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Fifty-fifth session
Third Committee
Agenda item 12
Report of the Economic and Social Council

Organization of work of the Third Committee and draft biennial programme of work of the Committee for 2001-2002

Note by the Secretariat

1. In its resolution 46/140 of 17 December 1991, the General Assembly reaffirmed the recommendations on the rationalization of the work of the Third Committee contained in its resolution 45/175 of 18 December 1990 and recommended further rationalization measures, as outlined in annex I to resolution 46/140.

2. The present document contains, in annex I, measures on the organization of work of the Third Committee and, in annex II, the draft biennial programme of work of the Committee for 2001-2002. The draft programme has been prepared on the basis of existing legislative authority. It also takes into account the draft proposals on which the Third Committee has taken action. The information in the annexes will be updated orally by the Secretariat when they are considered by the Committee.

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Annex I

Organization of work of the Third Committee

A. Guidelines concerning time limits of statements

1. In accordance with rule 106 of the rules of procedure of the General Assembly and paragraph 22 of decision 34/401 on the rationalization of the procedures and organization of the General Assembly, at the beginning of each session, the Chairman of the Third Committee should propose to the Committee the limitation of the time to be allowed to speakers.

2. Further to General Assembly resolutions 45/175 of 18 December 1990 and 46/140 of 17 December 1991, on the rationalization of the work of the Third Committee, statements made by delegations and by Secretariat officials, unless decided otherwise by the Committee at the beginning of the session, should not exceed 7 minutes. Statements made on behalf of a group of delegations or made in connection with the sub-items under the agenda item on human rights questions should not exceed 15 minutes. These time limits will be applied with a degree of flexibility towards all speakers. With a view to saving time, all speakers are encouraged to exercise self-discipline, in particular delegations associated with group statements. For practical reasons, group statements are encouraged for the first day of the discussion of an item or sub-item. In this connection, it is important to emphasize the timely distribution of documentation in accordance with the rules of procedure of the Assembly, in order to enable delegations to inscribe themselves on the list of speakers at an early stage.

B. Draft resolutions on reports of treaty bodies and reports of the Secretary-General on the status of the treaties

3. Reports of all treaty bodies will be submitted to the General Assembly in accordance with their respective legislative mandates. Substantive resolutions on those reports should be adopted biennially, in accordance with the programme of work of the Third Committee. Where possible, it is recommended that separate draft resolutions on the status of the treaties should not be submitted but should be incorporated in the draft resolution relating to the report of the treaty body. In alternate years, the Committee should simply take note of the reports unless more substantive action is deemed appropriate.

C. Draft proposals emanating from subsidiary organs of the Economic and Social Council

4. The Economic and Social Council, in transmitting draft proposals to the General Assembly should, to the extent possible, bear in mind the programme of work of the Third Committee.

D. Programme of work

5. An informal meeting of the Third Committee should be held immediately after the election of the members of its Bureau in order to consider the programme of work of the Committee based on a draft to be prepared by the Secretariat and to consider other organizational aspects relating to the Committee's work, especially the status of documentation.

6. The items allocated to the Third Committee for consideration during the fifty-sixth session of the General Assembly should be taken up in the following order:

Item

2. Social development, including questions relating to the world social situation and to youth, disabled persons and the family.

3. Follow-up to the International Year of Older Persons: Second World Assembly on Ageing.

4. Crime prevention and criminal justice.

5. International drug control.

6. Advancement of women.

7. Implementation of the outcome of the Fourth World Conference on Women and of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

8. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions.

9. Promotion and protection of the rights of children.

10. Programme of activities of the International Decade of the World's Indigenous People.

11. Elimination of racism and racial discrimination.[a]

12. Right of peoples to self-determination.[a]

13. Human rights questions:[b] [c]

    (a) Implementation of human rights instruments;

    (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

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[a] Items 10 and 11 are to be discussed jointly. Delegates may make two separate statements, that is, one on each item, if they so wish.

[b] Sub-items (a) and (d) are to be discussed separately; sub-items (b), (c) and (e) are to be discussed jointly.

[c] Delegations may make one statement each under sub-items (a) and (d) and two statements under sub-items (b), (c) and (e), but should not make two statements on any one sub-item.

(c) Human rights situations and reports of special rapporteurs and representatives;

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

(e) Report of the United Nations High Commissioner for Human Rights.

1. Report of the Economic and Social Council.

7. This arrangement may be reviewed at the organizational meeting of the Third Committee, particularly in the light of the status of documentation at that time.

E. Preparation and submission of draft resolutions

8. In drawing up draft resolutions, delegations are requested to adhere to the programme of work of the Third Committee as reproduced below.

9. Delegations are invited to take into account the general guidelines agreed upon by the Assembly in resolutions 45/175 and 46/140, regarding the submission of draft proposals and as set out below.[d]

Item 1
Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2
Social development, including questions relating to the world social situation and to youth, disabled persons and the family

Annual

World social situation

Biennial

Implementation of the World Programme of Action concerning Disabled Persons: towards a society for all in the twenty-first century (odd years)

Policies and programmes involving youth (odd years)

United Nations literacy decade (odd years)

Family (odd years)

Cooperatives in social development (odd years)

[d] References to "odd" and "even" years refer to calendar years.

Quinquennial

Review and appraisal of the World Programme of Action concerning Disabled Persons (2002)

Item 3
Follow-up to the International Year of Older Persons: Second World Assembly on Ageing

Annual

Follow-up to the International Year of Older Persons (2001)

Item 4
Crime prevention and criminal justice

Annual

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity

United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

Combating the criminal misuse of information technologies (2001)

Quinquennial

United Nations Congress on the Prevention of Crime and the Treatment of Offenders (2005)

Item 5
International drug control

Annual

Implementation of the United Nations System-wide Action Plan on Drug Abuse Control and the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances; international cooperation to counter the world drug problem; respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking; United Nations International Drug Control Programme; measures to strengthen international cooperation against the illicit production, sale, trafficking and distribution of narcotic drugs and psychotropic substances and related matters; implementation of the outcome of the twentieth special session of the General Assembly

Biennial

Update of the United Nations System-wide Action Plan on Drug Abuse Control (even years)

Item 6
Advancement of women

Annual

Improvement of the status of women in the United Nations system

Convention on the Elimination of All Forms of Discrimination against Women

United Nations Development Fund for Women

International Research and Training Institute for the Advancement of Women (2001)

Committee on the Elimination of Discrimination against Women

Biennial

Traditional or customary practices affecting the health of women and girls (2001)

Improvement of the situation of women in rural areas (odd years)

Violence against women migrant workers (odd years)

Traffic in women and girls (even years)

Elimination of crimes against women committed in the name of honour (2002)

Elimination of all forms of violence including crimes against women (2002)

Item 7
Implementation of the outcome of the Fourth World Conference on Women and of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Annual

Implementation of the outcome of the Fourth World Conference on Women

Item 8
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Annual

Office of the United Nations High Commissioner for Refugees

Assistance to refugees, returnees and displaced persons in Africa

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

Biennial

Assistance to unaccompanied refugee minors (2001)

New international humanitarian order (even years)

Quinquennial

Extension of the mandate of the Office of the United Nations High Commissioner for Refugees (2002)

Item 9
Promotion and protection of the rights of children

Annual

Implementation of the Convention on the Rights of the Child; children with disabilities; prevention and eradication of the sale of children, and of their sexual exploitation, including child prostitution and child pornography; protection of children affected by armed conflict; refugee and internally displaced children; elimination of the exploitation of child labour; plight of children living and/or working on the streets; the girl child

Biennial

Report of the Committee on the Rights of the Child (even years)

Item 10
Programme of activities of the International Decade of the World's Indigenous People

Annual

International Decade of the World's Indigenous People

United Nations Voluntary Fund for Indigenous Populations

Item 11
Elimination of racism and racial discrimination

Annual

Third Decade to Combat Racism and Racial Discrimination

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001)

Biennial

Financial situation of the Committee on the Elimination of Racial Discrimination (even years)

Status of the International Convention on the Elimination of All Forms of Racial Discrimination (even years)

Committee on the Elimination of Racial Discrimination (even years)

Item 12
Right of peoples to self-determination

Annual

Universal realization of the right of peoples to self-determination

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

Item 13
Human rights questions

(a) Implementation of human rights instruments

Annual

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (to be considered biennially after the entry into force of the Convention)

Report of the Committee against Torture

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

United Nations Voluntary Fund for Victims of Torture

Report of the Human Rights Committee

Biennial

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (even years)

Status of the Convention on the Prevention and Punishment of the Crime of Genocide (even years)

International Covenants on Human Rights (odd years)

Reports of meetings of persons chairing United Nations human rights treaty bodies (even years)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Annual

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Right to development

Protection of migrants

Globalization and its impact on the full enjoyment of all human rights

Human rights and cultural diversity

Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

Elimination of all forms of religious intolerance

Situation of human rights in Cambodia (A/C.3/55/L.39) (2001)

Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

United Nations Decade on Human Rights Education, 1995-2004, and public information activities in the field of human rights

Human rights and unilateral coercive measures

Enhancement of international cooperation in the field of human rights

Promotion of a democratic and equitable international order (A/C.3/55/L.56) (2001)

Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of humanitarian character (A/C.3/55/L.47) (2001)

Biennial

Extrajudicial, summary or arbitrary executions (even years)

Respect for the right to universal freedom of travel and the vital importance of family reunification (A/C.3/55/L.45) (2002)

Regional arrangements for the promotion and protection of human rights (even years)

Question of enforced or involuntary disappearances (even years)

Human rights and terrorism (odd years)

National institutions for the protection and promotion of human rights (odd years)

Human rights and extreme poverty (even years)

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (odd years)

Human rights and mass exoduses (odd years)

Human rights in the administration of justice (odd years)

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (odd years)

Enhancing the effectiveness of the principle of periodic and genuine elections (odd years)

Protection of and assistance to internally displaced persons (odd years)

Strengthening of the rule of law (A/C.3/55/L.44) (even years)

Human rights and scientific and technological progress (A/C.3/55/L.46) (2002)

Quinquennial

Award of human rights prizes (2003)

(c) Human rights situations and reports of special rapporteurs and representatives

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Annual

Implementation of and follow-up to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights

(e) Report of the United Nations High Commissioner for Human Rights

Annual

Report of the United Nations High Commissioner for Human Rights

Annex II

Draft biennial programme of work of the Third Committee for 2000-2002

2001

Item 1
Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Documentation

Relevant chapters of the report of the Economic and Social Council on questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2
Social development, including questions relating to the world social situation and to youth, disabled persons and the family

Documentation

Report of the Secretary-General on World Social Situation[a]

Relevant chapter of the report of the Economic and Social Council (including suggestions and recommendations of the Commission for Social Development on furthering the contribution of volunteering to social development (A/C.3/55/L.2, operative para. 6)

Report of the Secretary-General on progress made in the implementation of policies and programmes involving youth (General Assembly resolution 54/120)

Report of the Secretary-General on the implementation of the World Programme of Action concerning Disabled Persons (General Assembly resolution 54/121)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission for Social Development on the human rights of persons with disabilities (Economic and Social Council decision 2000/268)

Report of the Secretary-General on a proposal for a United Nations literacy decade: education for all (General Assembly resolution 54/122)[a]

Report of the Secretary-General on ways Governments and the United Nations system could support volunteering (A/C.3/55/L.2, operative para. 8)

Report of the Secretary-General on cooperatives in social development (General Assembly resolution 54/123)[a]

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[a] Through the Economic and Social Council.

Report of the Secretary-General on the appropriate ways and means to observe the tenth anniversary of the International Year of the Family in 2004 (General Assembly resolution 54/124)[a]

Item 3
Follow-up to the International Year of Older Persons: Second World Assembly on Ageing

Report of the Secretary-General on Follow-up to the International Year of Older Persons (A/C.3/55/L.6)

Item 4
Crime prevention and criminal justice

Documentation

Relevant chapter of the report of the Economic and Social Council

Open-ended expert group: draft terms of reference for the negotiation of an international legal instrument against corruption (A/C.3/55/L.5)[a]

Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (A/C.3/55/L.7)

Report of the Secretary-General on strengthening of the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (A/C.3/55/L.9)

Questions for consideration for which no advance documentation has been requested

Combating the criminal misuse of information technologies (A/C.3/55/L.8/Rev.1)

Item 5
International drug control

Documentation

Relevant chapter of the report of the Economic and Social Council

Comprehensive report of the Secretary-General on the implementation of the outcome of the twentieth special session of the General Assembly (General Assembly resolution 47/100 and A/C.3/55/L.10)

Item 6
Advancement of women

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on traditional or customary practices affecting the health of women and girls (General Assembly resolution 54/133)

Report of the Secretary-General on the improvement of the situation of women in rural areas (General Assembly resolution 54/135)

Note by the Secretary-General transmitting the report of the Administrator of the United Nations Development Programme on the activities of the United Nations Development Fund for Women (General Assembly resolution 39/125)

Report of the Secretary-General on the problem of violence against women migrant workers (General Assembly resolution 54/138)

Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 45/124 and A/C.3/55/L.15)

Report of the Committee on the Elimination of Discrimination against Women (General Assembly resolution 34/180)[a]

Report of the Secretary-General on improvement of the status of women in the United Nations system (A/C.3/55/L.14)

Report of the Secretary-General on the critical situation of the International Research and Training Institute for the Advancement of Women (A/C.3/55/L.16/Rev.1)

Item 7
Implementation of the outcome of the Fourth World Conference on Women and of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the follow-up to and progress made in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (General Assembly resolution 50/203 and A/C.3/55/L.28)[a]

Item 8
Report of the United Nations High Commissioner for Refugees, questions relating to refugees and displaced persons and humanitarian questions

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on assistance to unaccompanied refugee minors (General Assembly resolution 54/145)

Report of the United Nations High Commissioner for Refugees (General Assembly resolution 428 (V), annex)[a]

Item 9
Promotion and protection of the rights of children

Documentation

Report of the Secretary-General on the rights of the child (A/C.5/55/L.18/Rev.1)

Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on the impact of armed conflict on children (A/C.5/55/L.18/Rev.1)

Item 10
Programme of activities of the International Decade of the World's Indigenous People

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities of the International Decade of the World's Indigenous People (A/C.3/55/L.19)

Item 11
Elimination of racism and racial discrimination

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (General Assembly resolution 53/132, para. 29 (b))

Report of the Secretary-General on implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities (A/C.3/55/L.27/Rev.1)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/C.3/55/L.26/Rev.1, operative para. 24)

Item 12
Right of peoples to self-determination

Report of the Secretary-General on the right of peoples to self-determination (A/C.3/55/L.22)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/C.3/55/L.23)

Item 13
Human rights questions

(a) Implementation of human rights instruments

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Human Rights Committee (General Assembly resolution 2200 A (XXI))

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/55/L.29)

Report of the Committee against Torture (General Assembly resolution 39/46, annex, and A/C.3/55/L.30, operative para. 30)

Note of the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment (A/C.3/55/L.30, operative para. 30)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/C.3/55/L.30, operative para. 29)

Report of the Secretary-General on the operations of the United Nations Voluntary Fund for the Victims of Torture (A/C.3/55/L.30, operative para. 30)

Report of the Secretary-General on the status of the International Covenants on Human Rights (General Assembly resolution 54/156)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Documentation

Report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 54/162)

Report of the Secretary-General on human rights and terrorism (General Assembly resolution 54/164)

Report of the representative of the Secretary-General on the protection of and assistance to internally displaced persons (General Assembly resolution 54/167)

Report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (General Assembly resolution 54/173)

Report of the Secretary-General on national institutions for the protection and promotion of human rights (General Assembly resolution 54/176)

Report of the Secretary-General on human rights and mass exoduses (General Assembly resolution 54/180)

Globalization and its impact on the full enjoyment of all human rights (A/C.3/55/L.48)

Report of the Secretary-General on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/C.3/55/L.53)

Report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/C.3/55/L.39)

Interim report of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance (A/C.3/55/L.41)

Report of the United Nations High Commissioner for Human Rights on the United Nations Decade on Human Rights Education, 1995-2004 (A/C.3/55/L.37)

Report of the Secretary-General on the protection of migrants (A/C.3/55/L.35)

Report of the Secretary-General on human rights and cultural diversity (A/C.3/55/L.34)

Report of the Secretary-General on the right to development (A/C.3/55/L.57)

Report of the Secretary-General on human rights and unilateral coercive measures (A/C.3/55/L.59)

Questions for consideration for which no advance documentation has been requested

Human rights in the administration of justice (General Assembly resolution 54/167)

Report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (General Assembly resolution 54/168)

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/C.3/55/L.43)

Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of humanitarian character (A/C.3/55/L.47)

Promotion of a democratic and equitable international order (A/C.3/55/L.56)

Enhancement of international cooperation in the field of human rights (A/C.3/55/L.58)

(c) Human rights situations and reports of special rapporteurs and representatives

Report of the Secretary-General on the situation of human rights in Myanmar (A/C.3/55/L.38)

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (A/C.3/55/L.42/Rev.1)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo (A/C.3/55/L.62)

Questions for consideration for which no advance documentation has been requested

Situation of human rights in the Islamic Republic of Iran (A/C.3/55/L.49)

Human rights situation in Iraq (A/C.3/55/L.50)

Situation of human rights in the Sudan (A/C.3/55/L.51)

Situation of human rights and fundamental freedoms in Haiti (A/C.3/55/L.64)

Situation of human rights in Afghanistan (A/C.3/55/L.65)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Documentation

Report of the Secretary-General (General Assembly resolution 48/121)

(e) Report of the United Nations High Commissioner for Human Rights

Documentation

Report of the United Nations High Commissioner for Human Rights (General Assembly resolution 48/141)[a]

2002[b]

Item 1
Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Documentation

Relevant chapters of the report of the Economic and Social Council on questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2
Social development, including questions relating to the world social situation and to youth, disabled persons and the family

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the world social situation[a]

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[b] The programme of work and documentation for 2002 will be revised in the light of the relevant decisions taken by the Economic and Social Council in 2001.

Report of the Secretary-General on the outcome of the International Year of Volunteers and its follow-up (A/C.3/55/L.2)

Quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons

Item 3
Follow-up to the International Year of Older Persons: Second World Assembly on Ageing

Item 4
Crime prevention and criminal justice

Documentation

Relevant chapter of the report of the Economic and Social Council

Item 5
International drug control

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General containing the biennial update of the United Nations System-wide Action Plan on Drug Abuse Control (General Assembly resolution 48/112)

Item 6
Advancement of women

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on working towards the elimination of crimes against women committed in the name of honour (A/C.3/55/L.11/Rev.1)

Report of the Secretary-General on traffic in women and girls (A/C.3/55/L.12)

Comprehensive report by the Secretary-General on the elimination of all forms of violence, including crimes against women (A/C.3/55/L.13/Rev.1)

Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 45/124)

Report of the Committee on the Elimination of Discrimination against Women (General Assembly resolution 34/180)[a]

Note by the Secretary-General transmitting the report of the Administrator of the United Nations Development Programme on the activities of the United Nations Development Fund for Women (General Assembly resolution 39/125)

Item 7
Implementation of the outcome of the Fourth World Conference on Women and of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the follow-up to and progress made in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly (General Assembly resolution 50/203)[a]

Item 8
Report of the United Nations High Commissioner for Refugees, questions relating to refugees and displaced persons and humanitarian questions

Documentation

Relevant chapter of the report of the Economic and Social Council

Extension of the mandate of the Office of the United Nations High Commissioner for Refugees (General Assembly resolution 52/104)

Report of the United Nations High Commissioner for Refugees (General Assembly resolution 428 (V), annex)[a]

Item 9
Promotion and protection of the rights of children

Documentation

Report of the Committee on the Rights of the Child (General Assembly resolution 44/25, annex)[a]

Item 10
Programme of activities of the International Decade of the World's Indigenous People

Documentation

Note by the Secretary-General on the International Decade of the World's Indigenous People (A/C.3/55/L.19)

Item 11
Elimination of racism and racial discrimination

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Committee on the Elimination of Racial Discrimination (General Assembly resolution 2106 A (XX) and A/C.3/55/L.24)

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/55/L.24)

Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/C.3/55/L.24)

Item 12
Right of peoples to self-determination

Item 13
Human rights questions

(a) Implementation of human rights instruments

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Human Rights Committee (General Assembly resolution 2200 A (XXI))

Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (General Assembly resolution 53/138 and A/C.3/55/L.31/Rev.1, operative para. 27)

Reports of meetings of persons chairing United Nations human rights treaty bodies (A/C.3/55/L.31/Rev.1, operative para. 28)

Report of the Committee against Torture (General Assembly resolution 39/46, annex)

Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III))

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Documentation

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/C.3/55/L.54)

Report of the Secretary-General on the question of enforced or involuntary disappearances (A/C.3/55/L.52)

Report of the Secretary-General on strengthening of the rule of law (A/C.3/55/L.44)

Report of the Special Rapporteur on the situation worldwide in regard to extrajudicial, summary or arbitrary executions (A/C.3/55/L.60)

Questions for consideration for which no advance documentation has been requested

Human rights and scientific and technological progress (A/C.3/55/L.46)

Human rights and extreme poverty (A/C.3/55/L.55)

Respect for the right to universal freedom of travel and the vital importance of family reunification (A/C.3/55/L.45)

(c) Human rights situations and reports of special rapporteurs and representatives

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Documentation

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (General Assembly resolution 48/121)

(e) Report of the United Nations High Commissioner for Human Rights

Documentation

Report of the United Nations High Commissioner for Human Rights (General Assembly resolution 48/141)

United Nations A/C.3/55/L.62

General Assembly

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Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Portugal, Romania, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Geneva Conventions of 12 August 1949 for the protection of victims of war,[5] the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the Convention on the Rights of the Child,[7] as well as to the African Charter on Human and Peoples' Rights,[8]

Recalling its previous resolutions on this subject, including the most recent, resolution 54/179 of 17 December 1999, taking note of Commission on Human

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] Resolution 34/180, annex.
[5] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[6] Resolution 2106 A (XX), annex.
[7] Resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 1520, No. 26363.

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Rights resolution 2000/15 of 18 April 2000[9] and Security Council resolution 1304 (2000) of 16 June 2000, and mindful of previous resolutions and statements of the Security Council on the subject,

Mindful of the Ceasefire Agreement,[10] which was signed at Lusaka on 10 July 1999, and the Kampala disengagement plan of 8 April 2000,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by all parties to the conflict, including acts of and incitement to ethnic hatred and violence,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues, and stressing the importance of technical cooperation for the promotion and protection of human rights,

Recalling the decision of the Commission on Human Rights to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, and hoping that the mission will be able to start its work as soon as possible, with the cooperation of the authorities concerned,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform the judicial system, in accordance with the relevant international conventions, and noting, in this regard, the Government's declared intention to progressively abolish the death penalty and to put an end to the trying of civilians by the Military Court,

1. *Welcomes*:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[11]

(b) The visit the Special Rapporteur undertook to the country at the invitation of the Government and the cooperation of the Government and of all Congolese parties to the Ceasefire Agreement[10] in this regard;

(c) The visit made to the country by the High Commissioner for Human Rights from 30 September to 2 October 2000;

(d) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, and encourages the Government to continue to work closely with it;

(e) The efforts of the Ministry of Human Rights of the Democratic Republic of the Congo to improve the human rights situation in the country, and, in particular,

[9] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[10] S/1999/815, annex.

[11] A/55/403.

the adoption in December 1999, in concert with non-governmental organizations, of the National Action Plan on the Promotion and Protection of Human Rights;

(f) The general amnesty ordered by President Kabila on 19 February 2000 as a timely and significant step towards reconciliation and towards preparation for the inter-Congolese dialogue called for in the Ceasefire Agreement, but deplores the fact that many other political prisoners continue to be detained and the arrests made since that date;

(g) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers, and the holding in Kinshasa, in December 1999, in cooperation with the United Nations Children's Fund, of the Forum on the Demobilization of Child Soldiers and the Protection of Human Rights, measures of demobilization of children undertaken by the Government and by the Congolese Rally for Democracy, and encourages other parties to the conflict to do the same;

(h) The repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, but regrets, however, that the Government was apparently unable to provide adequate protection in the first place;

(i) The release of prisoners of war, and calls for the acceleration of exchanges of prisoners;

2. *Expresses its concern at*:

(a) The adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) The continuing violations of the Ceasefire Agreement and the continued use of hate speech;

(c) The preoccupying situation of human rights in the Democratic Republic of the Congo, in particular in the eastern part of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, and, with that in view, condemns:

(i) The perpetration of massacres of civilians in the course of the conflict, which constitutes an inadequate and disproportionate response to attacks, including recently in Lisenda-8 road, Katogata, Kamanyola, Lurbarika, Luberezi, Ngenge, Kalehe, Kilambo, Cidaho, Uvira, Shabunda and Lusenda-Lumumba;

(ii) The fighting in Kisangani between Ugandan and Rwandan forces, most recently in May and June 2000, which resulted in many civilian victims;

(iii) The conflicts between the Hema and Lendu ethnic groups in the region of Ituri under Ugandan occupation, where thousands of Congolese have already been killed;

(iv) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians and human rights defenders, as well as, in the eastern part of the country in particular, reprisals against people who have cooperated with the United Nations mechanisms, reports of sexual violence against women and children and the continuing recruitment and use of child soldiers;

(v) The trying of civilians and the imposition of the death penalty by the Military Court;

(d) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(e) Breaches of the freedom of expression, opinion, association and assembly, in the whole territory of the Democratic Republic of the Congo, and reports of the total absence of those freedoms in the eastern part of the country;

(f) The acts of intimidation against representatives of churches in the whole Congolese territory, as well as the killings they have been victim of in the eastern part of the country;

(g) The severe insecurity, which is minimizing the ability of humanitarian organizations to secure access to affected populations;

(h) Reports of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To implement fully the provisions of the Ceasefire Agreement and to facilitate the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout the territory, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of the Congolese in an all-inclusive process of political dialogue, with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(b) To cease all military activity in the Democratic Republic of the Congo, which is in breach of the ceasefire provided for in the Ceasefire Agreement and the Kampala disengagement plan;

(c) To protect human rights and to respect international humanitarian law, in particular as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war[5] and the Additional Protocols thereto, of 1977,[12] the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907,[13] the Convention on the Prevention and Punishment of the Crime of Genocide[14] and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

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[12] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[13] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[14] Resolution 260 A (III).

(d) To cease all forms of repression against people exercising their fundamental freedoms;

(e) To establish the conditions necessary for the safe and speedy deployment of the United Nations Mission in the Democratic Republic of the Congo;

(f) To ensure the safety, security and freedom of movement of United Nations and associated personnel and humanitarian personnel within the Democratic Republic of the Congo, and in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(g) To put an immediate end to the use of child soldiers, which is in contravention of international human rights standards, and to demobilize those children unduly recruited;

(h) To define and implement all necessary measures to create conditions conducive to the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(b) To fulfil its responsibility to ensure the full protection of the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(c) To fulfil its commitment to reform and restore the judicial system, and, in particular, to reform military justice, and to stop using it to try civilians, in conformity with the provisions of the International Covenant on Civil and Political Rights;[2]

(d) To ensure full respect for freedom of opinion and expression, freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, in particular in favour of human rights organizations;

(e) To implement fully its commitment to the democratization process, in particular the national dialogue, as stipulated in the Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country, including by lifting restrictions on political parties and ensuring political pluralism, in order, eventually, to lead the way for the holding of democratic, free and fair elections;

(f) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(g) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed

in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(h) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(i) To implement fully its commitment to cooperate with United Nations agencies and non-governmental organizations in ensuring the demobilization, rehabilitation and reintegration of child soldiers;

5. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-sixth session.

United Nations A/C.3/55/L.62/Rev.1

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Fifty-fifth session
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Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland:
revised draft resolution

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Geneva Conventions of 12 August 1949 for the protection of victims of war,[5] the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the Convention on the Rights of the Child,[7] as well as to the African Charter on Human and Peoples' Rights,[8]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] Resolution 34/180, annex.
[5] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[6] Resolution 2106 A (XX), annex.
[7] Resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 1520, No. 26363.

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Recalling its previous resolutions on this subject, including the most recent, resolution 54/179 of 17 December 1999, taking note of Commission on Human Rights resolution 2000/15 of 18 April 2000[9] and Security Council resolution 1304 (2000) of 16 June 2000, and mindful of previous resolutions and statements of the Security Council on the subject,

Recalling the Lusaka Ceasefire Agreement[10] and the Kampala disengagement plan, the obligation of all signatories to those agreements and the obligations deriving from Security Council resolution 1304 (2000),

Taking note of the outcome of the Extraordinary Summit of the Heads of State or Government of the Southern African Development Community, held in Maputo on 16 January 2000[11] and of the holding of the Central African Heads of State summit in Kinshasa,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by all parties to the conflict, including acts of and incitement to ethnic hatred and violence,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights, and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

Recalling the decision of the Commission on Human Rights to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, and encouraging the mission to start its work as soon as possible, with the cooperation of the Government and all other parties concerned,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform the judicial system, in accordance with the relevant international conventions, and noting, in this regard, the Government's declared intention to progressively abolish the death penalty and to put an end to the trying of civilians by the Military Court,

1. *Welcomes*:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[12]

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[9] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[10] S/1999/815, annex.

[11] S/2000/36, annex.

[12] A/55/403.

(b) The visit the Special Rapporteur undertook to the country at the invitation of the Government and the cooperation of the Government and of all Congolese parties to the Lusaka Ceasefire Agreement[10] in this regard;

(c) The visit made to the country by the High Commissioner for Human Rights from 30 September to 2 October 2000;

(d) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, and encourages the Government to continue to work in close cooperation with it;

(e) The efforts of the Ministry of Human Rights of the Democratic Republic of the Congo to improve the human rights situation in the country, and, in particular, the adoption in December 1999, in concert with non-governmental organizations, of the National Action Plan on the Promotion and Protection of Human Rights;

(f) The general amnesty ordered by President Kabila on 19 February 2000 as a timely and significant step towards reconciliation and towards preparation for the inter-Congolese dialogue called for in the Lusaka Ceasefire Agreement, but deplores the fact that many other political prisoners continue to be detained and the arrests made since that date;

(g) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers, and the holding in Kinshasa, in December 1999, in cooperation with the United Nations Children's Fund, of the Forum on the Demobilization of Child Soldiers and the Protection of Human Rights, measures of demobilization of children undertaken by the Government and by the Congolese Rally for Democracy, and encourages other parties to the conflict to do the same;

(h) The repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, but regrets, however, that the Government was apparently unable to provide adequate protection in the first place;

(i) The release of prisoners of war, and calls for the acceleration of exchanges of prisoners;

(j) The decision of the Security Council in its resolution 1291 (2000) of 24 February 2000 to authorize the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo;

(k) The work of the special envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo;

(l) The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo;

2. *Expresses its concern at*:

(a) The adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) The continuing violations of the Lusaka Ceasefire Agreement and the continued use of hate speech;

(c) The preoccupying situation of human rights in the Democratic Republic of the Congo, in particular in the eastern part of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, and, with that in view, condemns:

(i) The massacres of civilians perpetrated in the course of the conflict, which constitute a disproportionate response to attacks, in particular those occurring recently on the Lisenda-8 road and in Katogata, Kamanyola, Lurbarika, Luberezi, Ngenge, Kalehe, Kilambo, Cidaho, Uvira, Shabunda and Lusenda-Lumumba;

(ii) The fighting in Kisangani between Ugandan and Rwandan forces, most recently in May and June 2000, which resulted in many civilian victims;

(iii) The bombings of the hospital in Libenge and at Gemena and elsewhere, which affected civilian populations;

(iv) The conflicts between the Hema and Lendu ethnic groups in the eastern province, where thousands of Congolese have already been killed;

(v) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians and human rights defenders, reports of sexual violence against women and children, and the continuing recruitment and use of child soldiers, as well as, in the eastern part of the country in particular, reprisals against people who have cooperated with the United Nations mechanisms;

(vi) The trying of civilians and the imposition of the death penalty by the Military Court;

(d) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(e) The breaches of fundamental freedoms, such as the freedom of expression, opinion, association and assembly, in the whole territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(f) The acts of intimidation against representatives of the Churches and civil society, throughout the Congolese territory, as well as the killings of these persons in the eastern part of the country;

(g) The severe insecurity, which minimizes the ability of humanitarian organizations to secure access to affected populations;

(h) Reports of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To implement fully the provisions of the Lusaka Ceasefire Agreement and to facilitate the re-establishment of the authority of the Government of the

Democratic Republic of the Congo throughout the territory, as agreed in the inter-Congolese political negotiations provided for in the Agreement, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of the Congolese in an all-inclusive process of political dialogue, with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(b) To cease all military activity in the Democratic Republic of the Congo, which breaches the ceasefire provided for in the Lusaka Ceasefire Agreement and the Kampala disengagement plan;

(c) To protect human rights and to respect international humanitarian law, in particular as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war[5] and the Additional Protocols thereto, of 1977,[13] the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907,[14] the Convention on the Prevention and Punishment of the Crime of Genocide[15] and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(d) To cease all forms of repression against people exercising their fundamental freedoms;

(e) To establish the conditions necessary for the safe and speedy deployment of the United Nations Organization Mission in the Democratic Republic of the Congo;

(f) To ensure the safety, security and freedom of movement of United Nations and associated personnel and humanitarian personnel within the Democratic Republic of the Congo, and in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(g) To put an immediate end to the use of child soldiers, which is in contravention of international human rights standards, and to demobilize them;

(h) To define and implement all necessary measures to create conditions conducive to the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their protection and fair and lawful treatment;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(b) To fulfil its responsibility to ensure the full protection of the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

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[13] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[14] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

[15] Resolution 260 A (III).

(c) To fulfil its commitment to reform and restore the judicial system, and, in particular, to reform military justice, and to stop using it to try civilians, in conformity with the provisions of the International Covenant on Civil and Political Rights;[2]

(d) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

(e) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(f) To implement fully its commitment to the democratization process, in particular the national dialogue, as stipulated in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country, including by lifting restrictions on political parties and ensuring political pluralism, in order to lead the way for the holding of democratic, free and fair elections;

(g) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(h) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(i) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(j) To implement fully its commitment to cooperate with United Nations agencies and non-governmental organizations in ensuring the demobilization, rehabilitation and reintegration of child soldiers;

5. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-sixth session.

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General Assembly

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Fifty-fifth session
Third Committee
Agenda item 112
Elimination of racism and racial discrimination

Draft decision submitted by the Chairperson of the Third Committee on the basis of informal consultations

Committee on the Elimination of Racial Discrimination

The Third Committee recommends to the General Assembly that it take note of decision 1(56), contained in the report of the Committee on the Elimination of Racial Discrimination,[1] and that it decide to refer the issue contained in that decision back to the Committee for further consideration and consultations with States parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

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[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 18* (A/55/18).

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Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Argentina, Austria, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, France, Guatemala, Monaco, Norway, United States of America and Venezuela: draft resolution

Situation of human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights[2] and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Recalling its resolution 54/187 of 17 December 1999 and taking note of Commission on Human Rights resolution 2000/78 of 26 April 2000[4] and Economic and Social Council decision 2000/277 of 28 July 2000,

Taking note of the report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Adama Dieng,[5]

Bearing in mind the report of the Secretary-General on the International Civilian Support Mission in Haiti,[6] and considering the statement of the President of the Security Council of 15 March 2000,[7]

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 34/180, annex.
[4] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[5] See A/55/335.
[6] A/55/154.
[7] S/PRST/2000/8.

00-73052 (E) 061100

Taking note of the report on the visit to Haiti of the Special Rapporteur on violence against women, its causes and consequences,[8] and encouraging the Government of Haiti to actively follow up the recommendations contained therein,

Recognizing the interdependent relations and mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Noting the establishment of the International Civilian Support Mission in Haiti with a mandate to promote and protect human rights, to reinforce the institutional effectiveness of the police and the judiciary, and to coordinate the international community's dialogue with political and social actors in Haiti,

Commending the work of the Organization of American States in Haiti, in particular its efforts to promote a dialogue among Haitian political actors and civil society groups following the legislative elections held on 21 May 2000,

Expressing concern at the fact that no solution has yet been found with regard to the deficiencies of the elections of 21 May 2000, most notably those identified by national and international observers and by the electoral observation mission report of the Organization of American States,

Underlining the importance of the legitimate election of parliament for the institution of democracy, for the rule of law and for the progress of civil, political, social, economic and cultural rights in favour of all Haitians,

Noting with satisfaction the efforts made by the Haitian authorities in the fight against impunity, which resulted in the convictions of the police officers responsible for the Carrefour Feuilles massacre and the opening of the trial relating to the Raboteau massacre,

Deploring the increasing difficulties met by the press in expressing itself freely since the serious incidents of April 2000,

Recalling the statements made by the Haitian authorities to the effect that the Government remains committed to upholding human rights and encouraging further actions to improve the promotion, defence and guarantee of those rights,

Underlining also the need for the Provisional Electoral Council to be fully representative of the Haitian political scene, including the opposition, impartial, neutral and effective in the preparations for, and during, the forthcoming presidential and senatorial elections,

1. *Expresses its gratitude* to the Secretary-General, his Representative for Haiti and the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. *Commends* the United Nations Civilian Police Mission in Haiti for its training and supervising of the Haitian National Police, and the International Civilian Mission in Haiti for monitoring the situation of human rights and its activities in support of democratic institutions, the mandates of which Missions

[8] E/CN.4/2000/68/Add.3.

concluded on 15 March 2000, opening the way for the International Civilian Support Mission in Haiti, with its mandate to consolidate and build on the results obtained in this regard;

3. *Stresses* the need for the Haitian National Police to continue to undertake more effective efforts to improve its performance through, inter alia, technical assistance, training and education, in order to function efficiently, within a framework of respect for human rights, to curb the alarming increase in insecurity in the country;

4. *Renews its invitation* to the Government of Haiti to ratify, as soon as possible, the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[9] and the Optional Protocols to the International Covenant on Civil and Political Rights;[10]

5. *Requests* all interested Governments to make available to the Government of Haiti information and documentation to enable it to prosecute the perpetrators of human rights violations, in order to reinforce the efforts already made by the Haitian authorities to fight against impunity and to facilitate the reconciliation process;

6. *Calls upon* the Government of Haiti to continue structural reforms in the police and the judicial system and the improvement of the prison sector, to investigate properly politically motivated crimes and to prosecute the perpetrators of such crimes in accordance with Haitian law, to take vigorous action to eliminate any continuing human rights violations, including illegal arrests and detentions and the detentions by authorities of individuals in violation of court orders for their release, and to ensure due process, including reasonable timeframes;

7. *Reaffirms* the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of investigations undertaken by the National Commission for Truth and Justice, and encourages the Government of Haiti to continue legal proceedings against perpetrators of human rights violations identified by the National Commission and to create effective facilities for providing support to the victims, in particular women, children and members of their families;

8. *Welcomes* the decision of the Permanent Council of the Organization of American States to the effect that that Organization, acting in conjunction with the Caribbean Community and other political actors and civil society groups, should give support to the Government of Haiti and all other actors involved in order to identify, as soon as possible, any options and make recommendations for resolving the difficulties resulting from the conflicting interpretations of the electoral law, and expresses the hope that that will result in concrete corrective actions by the Government of Haiti and other authorities and continue to strengthen the democratic process in that country;

9. *Notes with interest* the forthcoming presidential elections and elections for the renewal of one third of the Senate, and urges the Government of Haiti and other authorities to ensure the necessary guarantees for holding those elections in a

[9] Resolution 39/46, annex.

[10] See resolutions 2200 A (XXI), annex, and 44/128, annex.

transparent, secure and credible environment in agreement with Haiti's political actors and civil society groups, inter alia by restoring the credibility of the Provisional Electoral Council, and through a true dialogue, with the support of the international community including the Organization of American States;

10. *Recalls with appreciation* the initiative of the Government of Haiti, in collaboration with the international community and women's groups, to adopt measures to promote the human rights of women and to fight against the violence of which they are victims, through the training of judicial staff and the dissemination of information on women's rights at all levels of the educational system, and encourages Haiti to continue these efforts;

11. *Encourages* the Government of Haiti further to promote the rights of children, in particular their right to education;

12. *Invites* the international community, including the Bretton Woods institutions, to consider, when conditions permit, continuing their involvement in the reconstruction and development of Haiti;

13. *Encourages* the Government of Haiti to contribute to the strengthening of the Office for the Protection of Citizens, inter alia through regional representation as appropriate, incorporating a gender perspective, and through the establishment of a programme of technical cooperation, in close collaboration and with the assistance of the Office of the United Nations High Commissioner for Human Rights and the International Civilian Support Mission in Haiti;

14. *Decides* to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-sixth session.

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Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and special representatives

Draft resolution submitted by the Chairperson of the Third Committee on the basis of informal consultations

Question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child[7] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

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[1] General Assembly resolution 217 A (III).
[2] General Assembly resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] General Assembly resolution 260 A (III).
[6] General Assembly resolution 39/46, annex.
[7] General Assembly resolution 44/25, annex.
[8] United Nations, *Treaty Series*, vol. 75, No. 973.
[9] General Assembly resolution 34/180, annex.

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Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council, the resolutions and decisions of the Commission on Human Rights and the resolutions of the Commission on the Status of Women,

Recalling further that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein, and encourages the Special Rapporteur to continue to fulfil his mandate;

2. *Strongly condemns* the mass killing and the systematic human rights violations against civilians and prisoners of war, including in the areas of Mazar-e Sharif and Bamian, and notes with alarm the resumption by the Taliban of the wider conflict during the past summer, especially in the Taloqan area, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. *Condemns* the widespread violations and abuses of human rights and international humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations against women and girls;

4. *Reiterates its condemnation* of the killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killings of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing those responsible to justice;

5. *Notes with deep concern*:

(a) The persisting pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, inter alia, on the grounds of ethnicity;

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[10] See A/55/346.

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan, Tajikistan and other countries;

(e) The deliberate destruction of life-sustaining activities;

(f) The substantial restrictions introduced by the Taliban authorities on the operations of the United Nations and the specialized agencies that provide assistance in Afghanistan, and notes the negative impact that these restrictions have on providing women, children, in particular girls, and other most vulnerable groups with assistance;

6. *Also notes with deep concern* the sharp deterioration of the humanitarian situation in many areas of Afghanistan, including the Shamali, Punjshir valleys and the north-east, and calls for the full implementation of the agreement on the security of United Nations personnel in Afghanistan;

7. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, including fuel for military purposes where identifiable, training or any other military support, including the provision of foreign military personnel, to all parties to the conflict;

8. *Stresses* the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

9. *Urges* all the Afghan parties:

(a) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(b) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999,[11] thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(c) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;

(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to fulfil their duty to cooperate with the United Nations mine action programme and to protect its personnel, to prohibit conscripting or enlisting children or using them to participate in hostilities

[11] A/54/174-S/1999/812, annex.

in violation of international law and to ensure the disarmament, demobilization and reintegration of children into society;

(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(f) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

10. *Demands* that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies and with other humanitarian organizations, agencies and non-governmental organizations;

11. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of human rights against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women and girls and those that impede the realization of all their human rights;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the right of women to work and their reintegration into employment, including in the specialized agencies of the United Nations system and human rights organizations;

(d) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the equal right of women to security of person, and that those responsible for physical attacks on women are brought to justice;

(f) Respect for the freedom of movement of women;

(g) Respect for the effective and equal access of women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

12. *Takes note* of the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[12] on her mission to Afghanistan;

13. *Urges* all Afghan parties to respect all international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[9] to bring to an end without delay all violations of the human rights of women and girls, to take urgent measures to ensure the respect

[12] E/CN.4/2000/68/Add.4 of 13 March 2000.

of all fundamental freedoms and to respect international humanitarian law with regard to the conduct of hostilities;

14. *Notes with appreciation* the activities carried out by the International Committee of the Red Cross, as well as by non-governmental organizations, throughout the territory of Afghanistan;

15. *Recalls* its invitation extended to the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, expresses deep regret for the lack of cooperation by Afghan parties, calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations, and, noting the summary of the report on the investigations,[13] expresses its deep regret to all the parties for the unsatisfactory results;

16. *Notes with grave concern* the recent reports of summary executions of prisoners in Taliban-held areas, which have been denied by the Taliban, in the north of Afghanistan and calls upon the Taliban to cooperate with the Special Rapporteur in fully investigating these allegations;

17. *Invites* the Secretary-General and the High Commissioner to ensure that the ongoing process of deployment of the civilian affairs observer in Afghanistan is completed as soon as possible and that gender issues and the rights of children are fully taken into account in their mission;

18. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need, and urges all Afghan parties to ensure a free, safe and unhindered access to all humanitarian personnel, as part of an overall effort to achieve peace;

19. *Expresses its deep concern* at reports of attacks on and looting of cultural artefacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan;

20. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and to all those special rapporteurs who are seeking invitations, and, in particular, calls upon the Taliban to accommodate the forthcoming visit of the Special Rapporteur on the situation of human rights in Afghanistan;

21. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

22. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-sixth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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[13] A/54/626, annex.

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Agenda item 109
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Azerbaijan, Bosnia and Herzegovina, Jordan, Kuwait and Panama: draft resolution

New international humanitarian order

The General Assembly,

Recalling its resolution 53/124 of 9 December 1998 and other pertinent resolutions[1] relating to the promotion of the new international humanitarian order and international cooperation in the humanitarian field,

Taking note of the report of the Secretary-General on the new international humanitarian order[2] and his previous reports[3] containing comments and views of Governments as well as of intergovernmental and non-governmental organizations,

Bearing in mind the reports of the Secretary-General[4] as well as other pertinent reports made in the context of the Millennium Summit,

Noting with deep concern the continuing trend of systematic violations of humanitarian and human rights law, which lead ultimately and inevitably to emergency situations,

Noting with appreciation the emphasis placed by the Secretary-General on promoting compliance in the field of international humanitarian and human rights law and the arrangements being made by him to ensure an active follow-up to his views and suggestions in this regard,

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[1] Resolution 36/136, 37/201, 38/125, 40/126, 42/120, 42/121, 43/129, 43/131, 45/100, 45/102, 47/106, 49/170 and 51/174.
[2] A/55/545.
[3] A/37/145, A/38/450, A/40/358 and Add.1 and 2, A/41/472, A/43/734 and Add.1, A/45/524, A/47/352, A/49/577 and Corr.1, A/51/454 and A/53/486.
[4] A/54/619 and A/54/2000.

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Recognizing that the ultimate aim of all humanitarian assistance should be to save human lives and facilitate the transition to rehabilitation and reconstruction in order to enable recipients to achieve self-sufficiency as soon as possible and that, to this end, a series of measures need to be taken, including, in particular, local capacity-building, good governance and conduct of States as well as non-State actors in accordance with universally accepted humanitarian norms and principles,

Recognizing, in addition, the urgent need to further strengthen international cooperation and solidarity in the humanitarian field,

1. *Expresses* its appreciation to the Secretary-General for his continuing support for efforts to promote a new international humanitarian order;

2. *Invites* the Secretary-General to take all necessary measures to promote compliance with international humanitarian and human rights law, norms and principles in situations of armed conflict and complex emergencies;

3. *Urges* Governments, intergovernmental and non-governmental organizations as well as non-state actors to extend cooperation and provide support to the efforts of the Secretary-General in this regard;

4. *Invites* Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian problems of concern to them, in order to identify opportunities for future action, to ensure preparedness for an effective and speedy response to humanitarian challenges and, when necessary, to establish expert groups at the regional or international level in order to analyse these problems and make recommendations for action;

5. *Invites* the Independent Bureau for Humanitarian Issues to continue and further strengthen its activities, including cooperation with the United Nations system;

6. *Requests* the Secretary-General to remain in contact with Governments, and relevant international and non-governmental organizations concerned and to report to it at its fifty-seventh session on the progress made concerning promotion of a new humanitarian order and compliance with international humanitarian and human rights law in armed conflicts and emergency situations.

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Agenda item 109
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Denmark, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mexico, Monaco, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia and Zimbabwe: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-first session[2] and the conclusions and decisions contained therein,

Recalling its resolution 54/146 of 17 December 1999,

Commending the High Commissioner, her staff and their implementing partners for the competent, courageous and dedicated manner in which they

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 12* (A/55/12).
[2] Ibid., *Supplement No. 12A* (A/55/12/Add.1).

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discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and strongly condemning the injuries and deaths and other forms of physical and psychological violence experienced by staff members as a consequence of generalized as well as targeted violence,

Expressing appreciation this year, marking the fiftieth commemoration of the Office of the United Nations High Commissioner, for the work accomplished since its establishment in responding to the protection and assistance needs of refugees and in promoting durable solutions to their plight, and commending States for their cooperation and support,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-first session;

2. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees in providing international protection to refugees and seeking permanent solutions to the problem of refugees, and reiterates the need for Governments to continue to facilitate the effective exercise of this function;

3. *Expresses sincere appreciation and gratitude* to Mrs. Sadako Ogata for her unrelenting efforts throughout her tenure as United Nations High Commissioner for Refugees to promote innovative humanitarian solutions to the refugee problem in various parts of the world, and for her inspiring example in performing her functions in an effective and dedicated manner;

4. *Reaffirms* that the 1951 Convention relating to the Status of Refugees[3] and the 1967 Protocol[4] remain the foundation of the international refugee regime and recognizes the importance of their full application by States parties, notes with satisfaction that one hundred and forty States are now parties to one or to both instruments, welcomes the fact that an intergovernmental event involving these States is planned on the occasion of the fiftieth anniversary of the Convention, and encourages the Office of the High Commissioner and States to strengthen their efforts to promote broader accession to these instruments and their full implementation;

5. *Notes* that fifty-two States are now parties to the 1954 Convention relating to the Status of Stateless Persons[5] and that twenty-three States are parties to the 1961 Convention on the reduction of statelessness,[6] and encourages the High Commissioner to continue her activities on behalf of stateless persons;

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[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] Ibid., *Treaty Series*, vol. 360, No. 5158.

[6] Ibid., vol. 989, No. 14458.

6. *Reaffirms* that, as set out in article 14 of the Universal Declaration of Human Rights,[7] everyone has the right to seek and enjoy in other countries asylum from persecution, and calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international standards;

7. *Emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and welcomes the proposal of the Office of the High Commissioner to commence a process of global consultations on international protection and requests having a report thereon;

8. *Welcomes* measures taken by the Office of the High Commissioner to make protection effective, recognizing that international protection is a dynamic and action-oriented function, carried out in cooperation with States and other partners, inter alia, to promote and facilitate admission, reception and treatment of refugees and to ensure protection-oriented solutions;

9. *Stresses* the importance of international solidarity, burden-sharing and international cooperation to share responsibilities and partnerships in reinforcing the international protection of refugees, urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate and to mobilize resources with a view to reducing the heavy burden borne by States, in particular developing countries, that have received large numbers of asylum-seekers and refugees, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the economic, environmental and social impact of large-scale refugee populations, especially in developing countries;

10. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

11. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern;

12. *Calls upon* States and all concerned parties to take urgently all possible measures to safeguard the physical security and property of the staff of the Office of the High Commissioner and other humanitarian personnel, to investigate fully any crime committed against them and to bring to justice persons responsible for such crimes;

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[7] Resolution 217 A (III).

13. *Encourages* the Office of the High Commissioner, in cooperation with host countries and in coordination with other relevant United Nations bodies, to further develop and integrate appropriate security arrangements in its operations, and to allocate adequate resources for the safety and security of its staff and the persons under its mandate;

14. *Notes* that the 1994 Convention on the Safety of United Nations and Associated Personnel[8] is now in force, calls upon those States that have not yet done so to consider signing and ratifying the Convention, but notes in this regard that the Convention does not automatically apply to most humanitarian personnel, and therefore invites States to provide a timely response to the recommendation of the Secretary-General of the United Nations[9] to extend the scope of legal protection to all United Nations and associated personnel through the development of a protocol to the 1994 Convention or by other appropriate means;

15. *Urges* all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, local integration and resettlement in a third country, as appropriate, reaffirms that voluntary repatriation is the preferred solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community to act in a spirit of burden-sharing and partnership to enable refugees to exercise their right to return home in safety and with dignity;

16. *Calls upon* all States to promote conditions conducive to the voluntary repatriation of refugees in safety and with dignity, including conditions furthering reconciliation and long-term development in countries of return, and to support the sustainable reintegration of returnees by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner, relevant mechanisms including those within the United Nations system, and development agencies;

17. *Reiterates* the right of all persons to return to their country of origin, emphasizes in this regard the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

18. *Acknowledges* the desirability of comprehensive approaches by the international community, notably at the regional level, to the problems of refugees and displaced persons, and notes in this regard that capacity-building in countries of origin and countries of asylum can play an important role in addressing the root causes of refugee flows, strengthening emergency preparedness and response, promoting and building peace, and developing regional standards for the protection of refugees;

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[8] Resolution 49/59, annex.

[9] See A/54/619, para. 43; A/54/154/Add.1-E/1999/94/Add.1, para. 13.

19. *Urges* States, in cooperation with the Office of the High Commissioner and other relevant organizations, to explore and support fully capacity-building initiatives as part of a comprehensive approach to addressing refugee issues and to take necessary measures to promote sustainable development and to ensure the success of capacity-building activities, and reiterates that such initiatives may include those which strengthen legal and judicial institutions and civil society, those which promote services for refugees, the observance of human rights, the rule of law and accountability and those which enhance the capacity of States to fulfil their responsibilities with respect to persons under the mandate of the Office of the High Commissioner;

20. *Reiterates its support* for the role of the Office of the High Commissioner in providing humanitarian assistance and protection to internally displaced persons on the basis of criteria enumerated in paragraph 16 of its resolution 53/125 of 9 December 1998, and underlines the continuing relevance of the Guiding Principles on Internal Displacement;[10]

21. *Calls upon* States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees, and encourages the Office of the High Commissioner to continue and to strengthen its efforts for the protection of refugee women;

22. *Urges* States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of the child and adolescent refugees whose situation is particularly vulnerable to abuse, welcomes in this regard the adoption of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict[11] and on the sale of children, child prostitution and child pornography,[12] and calls upon States to consider signing and ratifying them as a matter of priority;

23. *Underscores* the particular role of elderly refugees within the refugee family, welcomes the development by the Office of the High Commissioner of guidelines to address their special needs, and calls upon States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly as well as disabled refugees should be fully respected and that programmes should be designed bearing in mind their special vulnerabilities;

24. *Recalls* that the family is the natural and fundamental group unit of society and that it is entitled to protection by society and the State, and calls upon States, working in close collaboration with the Office of the High Commissioner and other concerned organizations, to take measures to ensure that the refugee's family is protected, including through measures aimed at reuniting family members separated as a result of refugee flight;

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[10] E/CN.4/1998/53/Add.2, annex.

[11] Resolution 54/263, annex I.

[12] Ibid., annex II.

25. *Calls upon* Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum, in particular developing countries, countries with economies in transition and countries with limited resources that, owing to their location, host large numbers of refugees and asylum-seekers, and urges Governments to respond promptly and adequately to the Global Appeal issued by the Office of the High Commissioner, presenting requirements under its annual programme budget, to support efforts to widen the donor base so as to achieve greater burden-sharing among donors and to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector so as to ensure that the needs of persons under the mandate of the Office of the High Commissioner are fully met.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Burundi, Canada, Costa Rica, Côte d'Ivoire, Denmark, Ecuador, El Salvador, Finland, France, Gambia, Germany, Greece, Guatemala, Iran (Islamic Republic of), Ireland, Italy, Japan, Lesotho, Luxembourg, Malaysia, Monaco, Norway, Pakistan, Republic of Korea, South Africa, Spain, Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia: draft resolution

Pledging Conference of the United Nations High Commissioner for Refugees

The General Assembly,

Recalling its resolutions 1556 A (XV) of 18 December 1960 and 1729 (XVI) of 20 December 1961 on the convening of an ad hoc Committee of the Whole, under the chairmanship of the President of the General Assembly, as soon as practicable after the opening of each regular session of the Assembly, for the purpose of announcing pledges of voluntary contributions to the refugee programmes for the following year,

Recalling also that the ad hoc Committee of the General Assembly for the announcement of voluntary contributions to the Programme of the United Nations High Commissioner for Refugees has been convened annually, under the chairmanship of the President of the General Assembly or his/her designate, at United Nations Headquarters in New York, immediately following the debate on the report of the High Commissioner in the Third Committee,

Noting that the General Assembly, in its resolution 54/146 of 17 December 1999, endorsed the presentation of a unified annual programme budget of the Office of the High Commissioner,

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Noting also that financial requirements under the annual programme budget for the programmes of the Office of the High Commissioner are presented in the Global Appeal issued each year in late November/early December in Geneva, forming the basis for pledges in response to the information provided in the Global Appeal,

Decides, in order to improve and rationalize the funding mechanism following the adoption of the annual programme budget, that the ad hoc Committee of the General Assembly may be convened as from 2001 at Geneva, the headquarters of the Office of the High Commissioner.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Burundi, Canada, Chile, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Denmark, Ecuador, El Salvador, Finland, France, Gambia, Germany, Greece, Guatemala, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Lesotho, Luxembourg, Malaysia, Mauritania, Monaco, Mozambique, Namibia, Norway, Pakistan, Portugal, Republic of Korea, Russian Federation, South Africa, Spain, Sudan, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Zambia and Zimbabwe: draft resolution

Fiftieth anniversary of the Office of the United Nations High Commissioner for Refugees and World Refugee Day

The General Assembly,

1. *Commends* the Office of the United Nations High Commissioner for Refugees for its leadership and coordination of international action for refugees, and acknowledges the tireless efforts of the Office of the High Commissioner to provide international protection and assistance to refugees and other persons of concern and to promote durable solutions for their problems during the past fifty years;

2. *Pays tribute* to the dedication of United Nations humanitarian workers and associated personnel, the staff of the Office of the High Commissioner in the field, including local staff, who risk their lives in the performance of their duties;

3. *Reaffirms* its support for the activities of the Office of the High Commissioner, in accordance with the relevant General Assembly resolutions, on behalf of returnees, stateless persons and internally displaced persons;

4. *Notes* the crucial role of partnerships with Governments, international, regional and non-governmental organizations, as well as of the participation of refugees, in decisions that affect their lives;

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5. *Recognizes* that, by virtue of its activities on behalf of refugees and other persons of concern, the Office of the High Commissioner also contributes to promoting the purposes and principles of the United Nations, in particular those related to peace, human rights and development;

6. *Notes* that 2001 marks the fiftieth anniversary of the 1951 Convention relating to the Status of Refugees,[1] which sets out the foundation concepts for international refugee protection;

7. *Notes also* that the Organization of African Unity has agreed to have an international Refugee Day coincide with Africa Refugee Day on 20 June;

8. *Decides* that, as of 2001, the date of 20 June will be commemorated as "World Refugee Day".

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[1] United Nations, *Treaty Series*, vol. 189, No. 2545.

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Austria, Belgium, Finland, France, Greece, Luxembourg, Mauritania,* Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland: draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 54/147 of 17 December 1999,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Recalling the Khartoum Declaration[3] and the Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa[4] adopted by the Organization of African Unity at the ministerial meeting held at Khartoum on 13 and 14 December 1998,

Welcoming decision CM/Dec.531 (LXXII) on the situation of refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session, held at Lomé from 6 to 8 July 2000,[5]

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* On behalf of the States Members of the United Nations that are members of the African Group of States.

[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.

[2] Ibid., vol. 1520, No. 26363.

[3] A/54/682, annex I.

[4] Ibid., annex II.

[5] See A/55/286, annex.

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Welcoming the convening by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees of the Special Meeting of Governmental and Non-Governmental Technical Experts at Conakry from 27 to 29 March 2000, on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa, commending the comprehensive implementation plan adopted by the Special Meeting, and noting its endorsement by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session,

Commending the First Ministerial Conference on Human Rights in Africa of the Organization of African Unity, held at Grand-Baie, Mauritius, from 12 to 16 April 1999, and recalling the attention paid to issues relevant to refugees and displaced persons in the Declaration and Plan of Action adopted by the Conference,

Recalling the sixth annual Seminar on International Humanitarian Law, convened by the Organization of African Unity and the International Committee of the Red Cross at Addis Ababa from 15 to 16 May 2000, and noting the endorsement of the recommendations of the Seminar by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to address resolutely the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing in this regard the need for States to foster peace, stability and prosperity throughout the African continent,

Convinced of the need to strengthen the capacity of States to provide assistance and protection for refugees, returnees and displaced persons and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refugees, returnees and displaced persons,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Noting with great concern that, despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable, non-discriminatory basis,

Considering that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the reports of the Secretary-General[6] and of the United Nations High Commissioner for Refugees;[7]

2. *Notes with concern* that the declining socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Recalls* the commemoration in 1999 of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and commends the convening by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees of the Special Meeting of Governmental and Non-Governmental Technical Experts at Conakry from 27 to 29 March 2000 to commemorate this anniversary;

4. *Encourages* African States to ensure the full implementation and follow-up of the comprehensive implementation plan adopted by the Special Meeting and endorsed by the Council of Ministers of the Organization of African Unity;

5. *Encourages also* African States to ensure the full implementation and follow-up of the recommendations of the sixth OAU/ICRC Seminar on International Humanitarian Law, convened by the Organization of African Unity and the International Committee of the Red Cross at Addis Ababa from 15 to 16 May 2000;

6. *Calls upon* States and other parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

7. *Expresses its sincere appreciation and gratitude* to Sadako Ogata for her tireless efforts, throughout her tenure as United Nations High Commissioner for Refugees, to address the plight of refugees, returnees and displaced persons in Africa and for her inspiring example in performing her functions in an exemplary and dedicated manner;

8. *Expresses also its gratitude and appreciation*, in this year marking the fiftieth commemoration of the Office of the United Nations High Commissioner for Refugees, for the work accomplished since its establishment, with the support of the international community, in assisting African countries of asylum and responding to the needs of refugees, returnees and displaced persons in Africa for assistance and protection;

9. *Notes* the intergovernmental event planned in commemoration of the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees, in 2001, and encourages African States parties to the Convention to actively participate in the event;

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[6] A/55/471.

[7] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 12* (A/55/12).

10. *Reaffirms* that the 1951 Convention[8] and the 1967 Protocol[9] relating to the Status of Refugees, as complemented by the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969, remain the foundation of the international refugee protection regime in Africa, encourages African States that have not yet done so to accede to these instruments, and calls upon States parties to the Conventions to reaffirm their commitment to their ideals and to respect and observe their provisions;

11. *Notes* the need for States to address the root causes of forced displacement in Africa, and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance and to contribute generously to national projects and programmes aimed at alleviating their plight;

12. *Notes also* the link, inter alia, between human rights violations, poverty, natural disasters and environmental degradation and population displacement, and calls for redoubled and concerted efforts by States, in collaboration with the Organization of African Unity, to promote and protect human rights for all and to address these problems;

13. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa;

14. *Notes with appreciation* the ongoing mediation and conflict resolution efforts carried out by African States, the Organization of African Unity and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

15. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and over-stretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

16. *Expresses its concern* about instances in which the fundamental principle of asylum is jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

17. *Calls upon* States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements;

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[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

18. *Notes* the proposal of the Office of the United Nations High Commissioner for Refugees to commence a process of global consultations on the international refugee protection regime and, in this context, invites African States to participate actively in this process so as to bring in their regional perspective in order to ensure that adequate attention is paid to concerns that are specific to Africa;

19. *Deplores* injuries, death and other forms of violence sustained by staff members of the Office of the High Commissioner and urges States and all other actors to take all necessary measures to protect activities related to humanitarian assistance, to prevent attacks on and kidnapping of national and international humanitarian workers and to ensure their safety and security, to investigate fully any crimes committed against humanitarian personnel and bring to justice persons responsible for such crimes, and requests organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

20. *Calls upon* the Office of the High Commissioner, the Organization of African Unity, subregional organizations and all African States, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

21. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

22. *Reaffirms* the right of return and also the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, as appropriate, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

23. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of countries hosting refugees and countries of origin, and looks forward to other programmes to assist the voluntary repatriation and reintegration of all refugees in Africa;

24. *Reiterates* that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149 of 21 December 1995, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

25. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of

African refugees, and notes with appreciation that some African countries have offered resettlement places for refugees;

26. *Welcomes* the programmes carried out by the Office of the High Commissioner with host Governments, the United Nations, non-governmental organizations and the international community to address the environmental impact of refugee populations;

27. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

28. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

29. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, on the number of refugees living outside refugee camps in certain African countries, with a view to evaluating and addressing the needs of those refugees;

30. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

31. *Requests* all Governments and inter-governmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

32. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

33. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, takes note in this regard of the Guiding Principles on Internal Displacement,[10] and urges the international community, led by relevant United Nations organizations, to contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

34. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-sixth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to present an oral report to the Economic and Social Council at its substantive session of 2001.

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[10] E/CN.4/1998/53/Add.2, annex.